

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-016710
Issue No.: 3001
Case No.: ██████████
Hearing Date: December 22, 2014
County: Wayne-District 55

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 22, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of FAP benefits.
2. On or around September 6, 2014, Claimant submitted documentation requesting to add her son to her FAP group.
3. On an unverified date, Claimant's FAP case closed.
4. On or around November 12, 2014, Claimant submitted an application for FAP benefits.
5. Claimant was approved for FAP benefits in the amount of \$182 for the month of November 2014 and \$554 in FAP benefits for December 2014, ongoing.

6. On November 20, 2014, Claimant submitted a hearing request disputing the Department's actions with respect to her FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Claimant requested a hearing disputing the Department's actions with respect to her FAP benefits. Claimant raised three concerns at the hearing: (i) the Department's failure to timely process her reported change; (ii) the closure of her FAP case; and (iii) the amount of her FAP benefits for the month of November 2014.

At the hearing, Claimant credibly testified that on or around September 6, 2014, she reported to the Department that her son was living in the home with her and requested to have him added as a member of her FAP group. Claimant stated that the Department failed to add her son to the FAP group and requested that she receive back benefits for the months of September 2014, October 2014, and November 2014. For non-income changes of the FAP, the Department is to complete the FAP eligibility determination and required case actions in time to affect the benefit month that occurs ten days after the change is reported. BAM 220 (July 2014), p. 9. A member add that increases benefits is effective the month after it is reported. BEM 550 (February 2014), p. 4; BEM 212 (July 2014), p. 9.

The Department testified that it did not receive Claimant's member add request in September 2014. The Department identified issues with receiving mail and referenced problems with the Bridges system. The Department further stated that it was possible that Claimant may have submitted the request in September 2014, however, the Department could not explain why the member add was not processed. Thus, the Department has failed to establish that it timely processed Claimant's reported change and member add.

With respect to the FAP case closure, the Department testified that Claimant's case closed for noncooperation with child support requirements and that she was required to comply with child support requirements prior to her case being approved. The

Department did not identify when Claimant's case closed and failed to present evidence that a Notice of Case Action was sent informing her of the case closure. See BAM 220. Contrary to the Department's testimony however, a failure to comply with child support requirements without good cause does not result in FAP case closure, but rather, results in disqualification of the individual who failed to cooperate. The remaining eligible group members will receive benefits. BEM 255 (January 2014), p. 13.

Claimant testified that when she did not receive her FAP benefits as scheduled on November 11, 2014, she contacted the Department to inquire about her case. Claimant stated she was informed that she had to contact the Office of Child Support to resolve the noncooperation that was placed on her case, which she testified she did. According to the Department's hearing summary, which was the only piece of documentary evidence presented at the hearing, at a certain point, Claimant was found to be in compliance with child support. It remained unclear at the conclusion of the hearing whether Claimant's case did in fact close for noncooperation with child support requirements, and if so, the date of the case closure, as the Department did not present sufficient evidence in support of its case. Thus, it is found that the Department failed to satisfy its burden in establishing that it acted in accordance with Department policy when it closed Claimant's FAP case.

Although the date of FAP case closure was unverified, it was undisputed at the hearing that Claimant submitted a new application for FAP benefits on or around November 12, 2014. Claimant testified that she was approved for FAP benefits in the amount of \$182 for the month of November 2014 and that for December 2014 she was approved for FAP benefits in the amount of \$554. Claimant stated that she was disputing the amount of her FAP benefits for the month of November 2014, indicating that \$182 was not enough for her group size of seven people.

At the hearing, the Department testified that Claimant was approved for \$182 for the month of November 2014 because based on her application date she would not qualify for the full benefit amount. The Department did not present any evidence or a budget for the month of November 2014, to allow the undersigned to make a determination as to whether Claimant received the correct amount of FAP benefits or to determine if Claimant's FAP budget was properly calculated, based on the application date. Thus, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it calculated Claimant's FAP benefits for November 2014.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.
THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process Claimant's September 6, 2014, member add/reported change;
2. Recalculate Claimant's FAP budget for September 2014, ongoing, to reflect the increased group size in accordance with Department policy;
3. Issue supplements to Claimant for FAP benefits from the effective date of the September 6, 2014, reported change, ongoing; and
4. Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/29/2014**

Date Mailed: **12/29/2014**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]